

1 Honorable Ricardo S. Martinez
2
3
4
5
6
7

8 UNITED STATES DISTRICT COURT
9

10 WESTERN DISTRICT OF WASHINGTON
11

12 AT SEATTLE
13

14 MICROSOFT CORPORATION, a
15 Washington corporation,
16

17 Plaintiff,

18 v.
19

20 BORIS MIZHEN; MEDIA NETWORK,
21 INC.; NEW AGE OPT-IN, INC.; I-
22 PERMISSION, INC.; DMITRI
23 KOVALSKY; MUHAMMED MOHSAN
24 UL MOULA; ESOLUTIONS
25 TECHNOLOGY, INC.; DECAPTCHER;
AND JOHN DOES 1-20,

Defendants.

Case No. 2:10-cv-00966-RSM

**STIPULATED MOTION FOR ENTRY OF
STIPULATED JUDGMENT AND
INJUNCTION AND STIPULATED
MOTION TO DISMISS**

**NOTE ON MOTION CALENDAR:
JUNE 6, 2011**

CLERK'S ACTION REQUIRED

Plaintiff Microsoft Corporation (“Microsoft”) and Defendants Boris Mizhen, Media Network, Inc., New Age Opt-In, Inc., I-Permission, Inc., and Dmitri Kovalsky (collectively, “the Parties”), have resolved their dispute subject to the Stipulated Judgment and Stipulated Permanent Injunction submitted with this motion. Pursuant to the provisions of Fed. R. Civ. P. 58, 41(a)(1)(A)(i), and 41(a)(1)(A)(ii), Microsoft and Defendants Boris Mizhen, Media Network, Inc., New Age Opt-In, Inc., I-Permission, Inc., and Dmitri Kovalsky agree and stipulate as follows:

Microsoft and Defendants have agreed and stipulated to entry of Judgment Against Media Network, Inc., New Age Opt-In, Inc. and I-Permission, Inc., (“Stipulated Judgment”) submitted as Exhibit A to this motion. The Parties jointly move the Court to enter the Stipulated Judgment.

STIPULATED MOTION TO DISMISS
2:10-CV-00966-RSM

Orrick, Herrington & Sutcliffe LLP
701 5th Avenue, Suite 5600
Seattle, WA 98104-7097
Tel: 1 206-839-4300

1 Microsoft and Defendants have agreed and stipulated to the Stipulated Permanent
 2 Injunction and [Proposed] Order (the “Stipulated Injunction”) against Boris Mizhen, Media
 3 Network, Inc., New Age Opt-In, Inc., I-Permission, Inc. and Dmitri Kovalsky, submitted as
 4 Exhibit B to this motion. The Parties jointly move the Court to enter the Stipulated Injunction.

5 Microsoft, by and through its counsel of record, hereby dismisses with prejudice all claims
 6 asserted by it against defendants Boris Mizhen and Dmitri Kovalsky in the above-captioned
 7 matter.

8 Microsoft, by and through its counsel of record, hereby dismisses without prejudice, and
 9 without waiver of any of its rights, all claims asserted by it against defendants Muhammed
 10 Mohsan Ul Moula, Esolutions Technology, Inc., Decaptcher, and John Does 1-20 in the above-
 11 captioned matter. Defendants Muhammed Mohsan Ul Moula, Esolutions Technology, Inc.,
 12 Decaptcher, And John Does 1-20 have not yet answered or otherwise appeared, thus dismissal is
 13 appropriate pursuant to Fed. R. Civ. P. 41(a)(1)(A)(i). Defendants Boris Mizhen, Media Network,
 14 Inc., New Age Opt-In, Inc., I-Permission, Inc. and Dmitri Kovalsky do not oppose the foregoing
 15 dismissals.

16 Each side will bear its own fees and costs.

17 The Parties have agreed and stipulated to an Order of Dismissal, submitted as Exhibit C to
 18 this motion. The Parties jointly request that the Court enter the proposed Order of Dismissal.

19 ORRICK, HERRINGTON & SUTCLIFFE
 20 LLP

21 By: /s/ Jeffrey L. Cox

22 Mark S. Parris (WSBA #13870)
 mparris@orrick.com
 Jeffrey L. Cox (WSBA #37534)
 jcox@orrick.com

23 701 5th Avenue
 Suite 5600
 Seattle, WA 98104-7097
 Telephone: +1-206-839-4300
 Facsimile: +1-206-839-4301

24 25 26 27 28 Gabriel M. Ramsey (*pro hac vice*)
 gramsey@orrick.com
 I. Neel Chatterjee (*pro hac vice*)

STIPULATED MOTION TO DISMISS
 2:10-CV-00966-RSM

AOKI LAW PLLC

By: /s/ Russell M. Aoki

Russell M. Aoki (WSBA #15717)
 russ@aokilaw.com

720 Olive Way, Suite 1525
 Seattle, WA 98101-1816
 Telephone: +1-206-624-1900
 Facsimile: +1-206-442-4396

Attorneys for Defendants Boris Mizhen,
 Media Network, Inc., New Age Opt-In, Inc.
 and I-Permission, Inc.

1 nchatterjee@orrick.com
2 Jacob M. Heath (*pro hac vice*)
jheath@orrick.com

3 1000 Marsh Road
Menlo Park, CA 94025
4 Telephone: +1-650-614-7400
Facsimile: +1-650-614-7401

5 Attorneys for Plaintiff

6
7 JOHNS MONROE MITSUNAGA
KOLOUŠKOVÁ PLLC

8 By: /s/ Darrell S. Mitsunaga
9 Darrell S. Mitsunaga (WSBA #12992)
Mitsunaga@jmmlaw.com

10
11 1601 114th Avenue SE, Suite 110
Bellevue, WA 98004-6969
12 Telephone: +1-425-451-2812
Facsimile: +1-425-451-2818

13 Attorneys for Defendant Dmitri Kovalsky